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EXAMINER

KRISHNAN, VIVEK V

ART UNIT

PAPER NUMBER

2433

NOTIFICATION DATE

DELIVERY MODE

12/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eoofficemonitor@woodcock.com

Office Action Summary

Application No.

10/723,825

Applicant(s)

WAXMAN ET AL

Examiner

Vivek Krishnan

Art Unit

2433

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the Amendment/Arguments filed on October 6, 2010. Claims 1 and 17-32 have been amended. No claims have been added. No claims have been cancelled. Claims 1-32 are pending.

Response to Arguments

1. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 101 have been fully considered but they are not persuasive. Please refer to rejection below for further details.
2. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 102 and 35 U.S.C. 103 have been considered but are not persuasive and/or moot in view of the new ground(s) of rejection.

As to Applicant's arguments with respect to Claims 1 and 17:

- a. Applicant argues that Niblett does not disclose core task components including task components that must be completed by the server before a decision is made on whether to honor the request.

It is clear in Niblett, that the preliminary/core tasks are performed by the server, see for example, column 6 lines 46-49 - "The confirmation of the receipt includes a session identifier (for example, a unique reference number) assigned by a process at the server system".

Applicant's remaining arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The broadest reasonable interpretation of a claim drawn to a computer-readable medium typically covers forms of non-transitory tangible media (which are considered statutory subject matter) and transitory propagating signals (which are considered non-statutory subject matter). In an effort to assist the patent community in overcoming this rejection under 35 U.S.C. 101, the USPTO suggests the following approach - adding the limitation **non-transitory** to the preamble of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 13, 17-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,336,135 to Niblett et al. (hereinafter "Niblett") and U.S. Patent No. 6,718,361 to Basani et al. (hereinafter "Basani").

7. As to Claims 1 and 17, Niblett discloses a method and a computer readable medium having stored thereon computer-executable instructions (referenced hereinafter as the method) for a computer server to respond to a request from a client, the method comprising:

the server receiving the request from the client (Niblett; column 4 lines 39-44; request);

the server identifying a task corresponding to the request, the identified task including a set of core task components and a set of peripheral task components, the core task components including task components that must be completed by the server before a decision is made on whether to honor the request (Niblett; column 6 lines 43-63; preliminary task completion and message), the peripheral task components including task components that can be completed after a decision is made on whether to honor the request (Niblett; column 7 lines 8-30; additional tasks completed asynchronously);

the server responding to the request by performing the core task components of the identified task (Niblett; column 6 lines 43-63; preliminary response);

the server collecting request context data relevant to the request and the identified task (Niblett; column 7 lines 8-30; collecting context data including information related to the request);

the server returning a result to the requesting client based on having performed the core task components of the identified task (Niblett; column 6 lines 43-63; preliminary response including session identifier);

the server constructing a message to include the collected request context data and the returned results (Niblett; column 7 lines 8-30; message to asynchronous queue including session id and information related to the request);

the server sending the constructed message to an asynchronous message collector (Niblett; column 3 lines 15-23; asynchronous queue);

whereby an asynchronous message processor takes up and processes the message from the collector to perform one or more peripheral task components of the identified task based on the message, whereby the message processor performs less-time-sensitive peripheral work independent of the server and allows the server to attend to more-time-sensitive core work (Niblett; column 3 lines 15-23, column 8 lines 23-26; asynchronous application program to perform peripheral tasks).

As to Claim 1, Niblett does not explicitly disclose, however Basani discloses the context data comprising rights management data (Basani; Figures 2-3, column 16 lines 55-67; context/session information data includes rights management data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify context data collected by a server for the purposes of provisioning services, as disclosed by Niblett, such that the context data includes rights management data, as disclosed by Basani, in order to facilitate rights management in a client-server content provisioning system.

As to Claim 17, Niblett does not explicitly disclose, however Basani discloses the context data comprising authentication data (Basani; Figures 2-3, column 17 lines 46-57; context/session information data includes authentication data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify context data collected by a server for the purposes of provisioning services, as disclosed by Niblett, such that the context data includes authentication data, as disclosed by Basani, in order to facilitate rights management in a client-server content provisioning system.

8. As to Claims 2 and 18, Niblett and Basani disclose the method of claim 1. Niblett further discloses the asynchronous message processor taking up and processing the message from the collector to perform one or more peripheral task components of the identified task based on the message (Niblett; column 3 lines 15-23, column 8 lines 23-26; asynchronous queue and application program).

9. As to Claims 3 and 19, Niblett and Basani disclose the method of claim 1. Niblett further discloses wherein the server collects request context data including input parameters on the request, and data generated as a result of performing the core task components of the identified task (Niblett; column 7 lines 8-30; request parameters and session information).

10. As to Claims 4 and 20, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server identifying the task corresponding to the request, the identified task

including core task components including task components identified as necessary to be performed prior to responding to the corresponding request (Niblett; column 7 lines 8-30).

11. As to Claims 5 and 21, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server identifying the task corresponding to the request, the identified task including core task components including task components identified as relatively low-bandwidth tasks that do not adversely impact response time (Niblett; column 2 line 51 – column 3 line 23; response time based processing synchronously/asynchronously).

12. As to Claims 6 and 22, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server identifying the task corresponding to the request, the identified task including peripheral task components including task components identified as relatively high-bandwidth tasks that could adversely impact response time (Niblett; column 2 line 51 – column 3 line 23; response time based processing synchronously/asynchronously).

13. As to Claims 7 and 23, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server collecting the request context data and organizing same according to a pre-defined schema recognizable to each message processor (Niblett; column 4 lines 26-30).

14. As to Claims 8 and 24, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server sending the constructed message to the asynchronous message collector

according to a reliable message technology protocol to ensure delivery of the message to the collector (Niblett; column 4 lines 26-30).

15. As to Claims 9 and 25, Niblett and Basani disclose the method of claim 1. Niblett further discloses one of a plurality of message processors associated with the collector taking up and processing the message from the collector (Niblett; column 17 lines 18-37; multiple application programs).

16. As to Claims 10 and 26, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server collecting request context data defining the peripheral task components to be performed by the message processor, the message processor taking up and processing the message from the collector to perform the peripheral task components defined by the collected request context data of the message (Niblett; column 3 lines 15-23, column 8 lines 23-26; asynchronous queue and application program performing the peripheral task based on the message).

17. As to Claims 11 and 27, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server sending the constructed message to one of a plurality of asynchronous message collectors, each collector having an asynchronous message processor associated therewith; the asynchronous message processor associated with the sent-to collector taking up and processing the message therefrom to perform one or more peripheral task components of the identified task based on the message (Niblett; column 3 lines 15-23, column 8

lines 23-26; asynchronous queue and associated application program performing the peripheral task based on the message).

18. As to Claims 13 and 29, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server sending the constructed message to a plurality of asynchronous message collectors, each collector having an asynchronous message processor associated therewith; the asynchronous message processor associated with each sent-to collector taking up and processing the message therefrom to perform one or more peripheral task components of the identified task based on the message (Niblett; column 3 lines 15-23, column 8 lines 23-26; asynchronous queues and associated application program performing the peripheral task based on the message).

19. Claims 12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niblett and Basani and further in view of U.S. Patent Application Publication No. 2003/0041147 to Van Den Oord et al. (hereinafter "Oord").

20. As to Claims 12 and 28, Niblett and Basani disclose the method of claim 1. Niblett further discloses the server sending the constructed message to a first asynchronous message collector; the asynchronous message processor associated with the sent-to second collector taking up and processing the message therefrom to perform one or more peripheral task components of the identified task based on the message, each second collector having an asynchronous message processor associated therewith (Niblett; column 3 lines 15-23, column 8

lines 23-26; asynchronous queue and associated application program performing the peripheral task based on the message).

Niblett does not explicitly disclose, however Oord taking up the message from the first collector and forwarding same to one of a plurality of second asynchronous message collector based on a load balancing algorithm (Oord; Figures 1-2, paragraphs 118-120; asynchronous load balancing of tasks).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asynchronous message collectors and processors to include load balancing messages to various available message collectors, as disclosed by Oord, in order to facilitate fair processing of requests in an asynchronous client-server environment.

21. Claims 14-16 and 30-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Niblett and Basani.

22. As to Claims 14 and 30, Niblett and Basani disclose the method of claim 1. Niblett does not explicitly disclose the server encrypting the constructed message and sending the encrypted message to the asynchronous message collector; the asynchronous message processor taking up and decrypting the message from the collector and processing the decrypted message. However, the use of encryption and decryption of messages over a network was well known in the art at the time the invention was made, it would have been obvious to try for one of ordinary skill in the art to incorporate this feature into the messages passed between the server and the asynchronous

message collector, as disclosed by Niblett, with a reasonable expectation of success for the purposes or more secure transmission of data.

23. As to Claims 15 and 31, Niblett and Basani disclose the method of claim 1. Niblett does not explicitly disclose the server signing the constructed message and sending the signed message to the asynchronous message Collector; the asynchronous message processor taking up and verifying the signed message from the collector and processing the verified message. However, the use of signed of messages over a network was well known in the art at the time the invention was made, it would have been obvious to try for one of ordinary skill in the art to incorporate this feature into the messages passed between the server and the asynchronous message collector, as disclosed by Niblett, with a reasonable expectation of success for the purposes or more secure transmission of data.

24. As to Claims 16 and 32, Niblett and Basani disclose the method of claim 1. Niblett does not explicitly disclose for a rights management (RM) server in an RM system to respond to a request for an RM service from an RM client. However, the rights management client-server model was well known in the art at the time the invention was made, it would have been obvious to try for one of ordinary skill in the art to modify a client server system providing content and services, as disclosed by Niblett, to include a rights management service with a reasonable expectation of success.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. K./
Examiner, Art Unit 2433

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445